

THE HONORABLE JOHN COUGHENOUR
Trial Date: June 23, 2025
Moving Party: Joint
Note for Hearing: MAY 2, 2025
Without Oral Argument

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TRACEY SHANFELD, an Individual,

Case No. 2:24-cv-00516-JCC

Plaintiff,

V.

EVERGREEN TREATMENT SERVICES, a Non-Profit Organization,

**MOTION TO COMPEL DEPOSITION
TESTIMONY AND MOTION FOR
CONTEMPT OF MIGDALIA
VERDEJO**

**NOTED FOR: MAY 2, 2025 (WITHOUT
ORAL ARGUMENT)**

Defendant.

I. JOINT REQUEST FOR RELIEF

Plaintiff, Tracy Shanfeld, and Defendant Evergreen Treatment Services, by and through their respective undersigned counsel, hereby jointly move pursuant to Federal Rule of Civil Procedure 37(a) for an order compelling non-party witness Migdalia Verdejo to appear for deposition testimony.

I. FACTUAL BACKGROUND

1. On April 3, 2025, Plaintiff served a subpoena on non-party witness Migdalia Verdejo to appear for deposition on April 18, 2025. Lin Dec. at Exhibit 1 (subpoena) and Exhibit 2 (Declaration of Service).

STIPULATED MOTION TO COMPEL - 1

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1 2. Plaintiff hired a court reporter and prepared to take Ms. Verdejo's deposition on
 2 the noticed date. Lim Decl. at ¶3.

3 3. Ms. Verdejo failed to appear for her deposition on April 18, 2025 which was
 4 attended by both Plaintiff and Defense counsel. Id.

5 4. Plaintiff's counsel contacted Ms. Verdejo and requested compliance with the
 6 subpoena the same day. Ms. Verdejo affirmatively refused to appear. Id.

7 5. Plaintiff and Defendant conferred on the record and agreed that Ms. Verdejo's
 8 deposition would be continued and a joint motion to compel would be filed to obtain an order
 9 requiring her appearance. Id.

10 6. Ms. Verdejo is a witness that both Plaintiff and Defendant deem relevant and have
 11 listed on discovery answers or initial disclosures as a possible trial witness. Id.

12 **II. LEGAL AUTHORITY**

13 Federal Rule of Civil Procedure 37(a)(1) allows a party to move for an order compelling
 14 disclosure or discovery, including a deposition. Under Rule 45(g), the Court may hold a person
 15 in contempt for failing to obey a subpoena without adequate excuse.

16 Ms. Verdejo was properly served with a valid subpoena pursuant to Federal Rule of Civil
 17 Procedure 45. Her failure to appear and refusal to comply, absent legal justification, warrants
 18 Court intervention to compel her testimony. The parties agree that the testimony is relevant and
 19 necessary for the litigation and that Ms. Verdejo's noncompliance should not impede discovery.

20 **III. REQUEST FOR RELIEF**

21 The parties jointly request that the Court issue an order compelling Migdalia Verdejo to
 22 appear for deposition at a mutually agreed-upon time and date no later than [insert proposed
 23 deadline], and warning that failure to comply may result in sanctions or contempt pursuant to
 24 Rule 45(g).

25 DATED this 2ND day of MAY, 2025.
 26 STIPULATED MOTION TO COMPEL - 2

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1 STIPULATED AND AGREED TO:

2 NOLAN LIM LAW FIRM, PS

3
4 By: /s/ Nolan Lim

5 Nolan Lim Law Firm, PS
6 1111 Third Ave. Suite 1850
7 Seattle, WA 98101

8 Attorneys for Plaintiff

9
10 NORTHCRAFT BIGBY PC

11 By: /s/ Aaron Bigby

12 _____
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14 819 Virginia St. Suite c-2
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16 Attorneys for Defendant

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25 STIPULATED MOTION TO COMPEL - 3

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ORDER

**{PROPOSED} ORDER GRANTING STIPULATED MOTION TO COMPEL
DEPOSITION TESTIMONY OF MIGDALIA VERDEJO**

The Court, having reviewed the parties' *Stipulated Motion to Compel Deposition Testimony of Migdalia Verdejo*, and good cause appearing:

IT IS HEREBY ORDERED that:

1. Non-party witness Migdalia Verdejo is COMPELLED to appear for deposition pursuant to Federal Rule of Civil Procedure 37(a) and 45.
 2. The deposition shall take place on a date and time mutually agreed upon by the parties, but no later than **June 20, 2025**, at a location within the subpoena's geographic scope.
 3. Failure to appear for deposition as ordered may result in sanctions, including a finding of contempt, pursuant to Federal Rule of Civil Procedure 45(g).

IT IS SO ORDERED.

DATED: May 2, 2025

Joh C. Coughenour

John C. Coughenour
United States District Court Judge